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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *18 June 2009*.

2a)☒ This action is **FINAL**.          2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-4,6-10,12-15,17-20,31,32 and 40-50* is/are pending in the application.

   4a) Of the above claim(s) *42-50* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-10,12-15,17-20,31,32,40 and 41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *6/10/09, 9/25/09*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

## DETAILED ACTION

This is a **FINAL** Office Action on the merits in response to communications filed on

June 18, 2009. Currently, claims 1-4, 6-10, 12-15, 17-20, 31, 32, 40, and 41 are pending and

have been examined. Claims 42-50 have been withdrawn from consideration as being drawn to a

non-elected invention.


### *Response to Arguments*

The following arguments made by Applicant's in the response filed on June 18, 2009

have been fully considered but they are not persuasive:

(A) Claim 31 is in proper dependent form under the infringement test. (See Remarks,

    page 13).

(B) Burok does not teach or suggest placing a non-business time delay in a queue. (See

    Remarks, page 18).

(C) Claims 40 and 41 are not directed to new matter. (see Remarks, page 11).

Applicant's arguments will now be addressed in turn:


**(A) Claim 31 is in proper dependent form under the infringement test.**

Regarding argument (A), Examiner respectfully disagrees. Claim 31 fails the

infringement test because a medium containing computer-executable instructions for carrying out

the method of claim 1 would infringe claim 31, but would not infringe claim 1 unless the method

is carried out. Claim 31 does not require the method of claim 1 to be carried out. Applicant is

required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent

form, or rewrite the claim(s) in independent form.


**(B)   Burok does not teach or suggest placing a non-business time delay in a queue.**

Regarding argument (B), Applicant's arguments are persuasive regarding Examiner's

inherency rejection under § 102.  However, Examiner disagrees with Applicant's argument

regarding the § 103 rejection.  Burok teaches a queue of activities in a workflow. (see ¶ 20: "An

automated workflow method to assign resources to a plurality of work items"; "The workflow

includes work activities to be completed in an assigned order and within the commitment").

Burok also teaches a non-business time period that is ignored in determining at least one of a

service time and a time remaining in queue for a work item.  In paragraph 57, Burok

differentiates business time from non-business time: "When the enterprise performing the work

activity is not typically a 24/7 operation, the time may refer to business days based on the

operating hours of the business."  Also, "If the enterprise operates between the hours of 8 am and

5 pm without overtime, 4.5 days would translate to 40.5 hours to complete the work activity."

One of ordinary skill in the art would recognize that 4.5 days corresponds to 108 real time hours.

By translating 4.5 days into 40.5 hours rather than 108 hours, Burok inherently teaches inserting

a delay into the queue to ignore the difference between real time hours and business time hours.

Burok's teaching is the same as that taught in Applicant's specification. (see page 10: "The

service time may be, for example, one business day.  One business day for the resources in

service A may be eight business hours"; see also example on page 11 of specification).  Thus, the

claimed limitation obvious in view of Burok.  This is illustrated in the following tables, where

the top rows indicate real time, and the bottom rows indicate business time, using the example

provided in Burok, paragraph 57.

**Day 1:**

| RT | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| BT | - | d | e | l | a | y | - | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | - | d | e | l | a | y | - |

**Day 2:**

| R | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| B | - | d | e | l | a | y | - | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | - | d | e | l | a | y | - |

**Day 3:**

| R | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| B | - | d | e | l | a | y | - | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | - | d | e | l | a | y | - |

**Day 4:**

| R | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| B | - | d | e | l | a | y | - | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | - | d | e | l | a | y | - |

**Day 5:**

| RT | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 11.5 | 12 | 13 | 14 | 15 | 16 | 17 | - | - | - | - | - | - |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| BT | - | d | e | l | a | y | - | 37 | 38 | 39 | 40 | 40.5 | - | d | o | n | e | - | - | - | - | - | - |

Finally, Examiner notes that Applicant has not properly traversed any of Examiner's

takings of Official Notice. To adequately traverse a fact that has been Officially Noticed, "an

applicant must specifically point out the supposed errors in the examiner's action, **which would**

**include stating why the noticed fact is not considered to be common knowledge or well-**

**known in the art.**" (emphasis added). See MPEP § 2144.03 (C). Applicant has not provided

any evidence that the Officially Noticed facts are not common knowledge or well-known in the

art. As documentary support to the Official Notice, Examiner has provided a copy of the "User's

Guide for Microsoft Project" for Windows 95 and Windows 3.1. The user's guide discloses

allocating a list of tasks with associated durations to specified resources, wherein a time delay

can be placed within the task list to ignore non-business time (see page 7, disclosing creating a

task list with durations for the tasks; page 10, disclosing assigning a task to a resource, as well as

ignoring Saturday and Sunday as non-business time when scheduling; page 18, disclosing project

calendars defining working days and hours; pages 24-25, disclosing inserting a delay or "lag

time" between tasks; page 31, disclosing assigning resources to tasks; pages 38-40, disclosing

resource calendars).

### (C)  Claims 40 and 41 are not directed to new matter.

Regarding argument (C), Examiner respectfully disagrees. Claims 40 and 41 were

introduced in the amendment of August 7, 2008, along with several amendments to the

specification. The support for claims 40 and 41 stems from the amendments to the specification,

which introduced new matter. There is no support for these claims in the original specification.

Thus, claims 40 and 41 are directed to new matter.

## *Response to Amendment*

Applicant's response is sufficient to overcome the rejection under §§ 101 and 102 as set forth in the previous Office Action. Applicant's response is also sufficient to overcome the § 112 rejections with respect to claims 9 and 14. The remainder of the rejections have been maintained below.

## *Claim Objections*

**Claim 31 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.** Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 31: Claim 31 is directed to computer-readable mediums having computer-executable instructions for performing the steps of claim 1. This claim is improper because it fails the "infringement test" (see MPEP 608.01(n), Section III). Applying the infringement test, what is needed to infringe claim 31 is, for example a CD-ROM having computer executable code that if and when executed would cause a computer to do the steps recited in claim 1. However, such a CD-ROM would not infringe the method steps of claim 1 since the CD-ROM itself never performs any of the active steps required by the method of claim 1. In other words, mere possession of such a CD-ROM would infringe claim 31, but would not infringe claim 1. Thus, claim 31 is an improper dependent claim.

Claim 31 fails the infringement test because a medium containing computer-executable

instructions for carrying out the method of claim 1 would infringe claim 31, but would not

infringe claim 1 unless the method is completely carried out. Claim 31 does not require the

method of claim 1 to be completely carried out. Applicant's examples are inapposite because the

claims at issue are not product-by-process claims.


### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 10, 15, 40, and 41 are rejected under 35 U.S.C. 112, first paragraph, as**

**failing to comply with the written description requirement. The claim(s) contains subject**

**matter which was not described in the specification in such a way as to reasonably convey**

**to one skilled in the relevant art that the inventor(s), at the time the application was filed,**

**had possession of the claimed invention.**

<u>Claim 10</u>: There does not appear to be support for the "taking the modulus" and

"converting" steps of claim 10. The method described on page 6 of the originally-filed

specification does not appear to support these limitations. The steps in the original specification

are "taking the modulus of the calendar time by the minimum time interval." This does not

support the claimed limitation of "taking the modulus of the relative real time by the minimum

time interval to output a corresponding real time index; and converting the real time index into a

corresponding business time index." Applicant has not pointed out where the previously

amended claim is supported, nor does there appear to be a written description of the claim

limitations in the application as originally filed.

Claim 15: Claims 15 is substantially similar to claim 10 and is rejected under similar

rationale.

Claims 40-41: There does not appear to be support for any of the claim limitations of

claims 40 and 41 in the specification as originally filed. Rather, the support for these claims

arises in the amendments to the specification filed by the Applicant on August 7, 2008. These

amendments to the specification have not been entered because they introduce new matter.

Applicant has not pointed out where the previously amended claims are supported, nor does

there appear to be a written description of the claim limitations in the application as originally

filed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 10, 15, 40, and 41 are rejected under 35 U.S.C. 112, second paragraph, as**

**being indefinite for failing to particularly point out and distinctly claim the subject matter**

**which applicant regards as the invention.**

Claim 10: Claim 10 back to "an indexing step." However, it is not clear if this indexing

step is a new, further step of the method or whether it is part of the indexing recited in claim 9.

Clarification is required.

Furthermore, one of ordinary skill in the art would not understand what is meant by the

limitations of claim 10. For example, what is the minimum time interval selected for? What is a

calendar start time? When does a calendar "start"? Does this refer to the start of a day, the start

of a work period, or the start of the "calendar" in general? How is a real time "subtracted from" a

calendar start time? Does the "modulus" operation equate to taking the absolute value, or does it

represent the remainder of a division operation? Claim 10 requires significant clarification in

order for one of ordinary skill in the art to understand the claim limitations.

Because claim 10 is indefinite, no art rejection is warranted as substantial guesswork

would be involved in determining the scope and content of these claims. *See in re Steele*, 305

F.2d 859, 134 USPQ 292 (CCPA 1962); *Ex parte Brummer*, 12 USPQ 2d, 1653, 1655 (BPAI

1989); *see also in re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). Prior art pertinent to

the disclosed invention is nevertheless cited and applicants are reminded they must consider all

cited art under Rule 111(c) when amending the claims to conform with 35 U.S.C. 112.

Claim 15: Claim 15 is substantially similar to claim 10 and is rejected under similar

rationale. Art has not been applied to claim 15 for the same reasons it has not been applied to

claim 10.

Claim 40: Claim 40 recites "determining... a real time index into a real time-to-business

time conversion table." This limitation does not make sense. How is an index "determined into"

a conversion table? It is not clear what is occurring in claim 40. Further, it is not clear that

claim 40 has support in the originally-filed specification. Because claim 41 is indefinite, no art

rejection is warranted as substantial guesswork would be involved in determining the scope and

content of these claims. *See in re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962); *Ex parte*

*Brummer*, 12 USPQ 2d, 1653, 1655 (BPAI 1989); *see also in re Wilson*, 424 F.2d 1382, 165

USPQ 494 (CCPA 1970). Prior art pertinent to the disclosed invention is nevertheless cited and

applicants are reminded they must consider all cited art under Rule 111(c) when amending the

claims to conform with 35 U.S.C. 112.

Claim 41: Claim 41 is substantially similar to claim 40 and is rejected under similar

rationale. Art has not been applied to claim 41 for the same reasons it has not been applied to

claim 40.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

**Claims 1-2 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Burok (US 2003/0152212).**

Claim 1: Burok discloses a method of allocating resources, comprising:

- providing a resource allocation system comprising (i) at least one queue of work

    items, each of the work items having an associated service time (see ¶¶ 20 and

46), and (ii) at least one resource to service the work items in the at least one

queue (see figures 7 and 10; abstract; ¶ 45);

- a non-business time period that is ignored in determining at least one of a service

  time and a time remaining in the at least one queue for work items positioned at

  queue positions farther from a head of the at least one queue (see ¶ 57, disclosing

  that a time of 45 days should be converted to working hours instead of days);

- based on at least one of a service time and remaining time, allocating, by a

  computer, resources associated with said at least one queue to service work items

  according to predetermined algorithms (see ¶ 47).

Although Burok does not explicitly disclose placing a time delay in a queue, this

limitation is obvious.  For example, Burok suggests that if an item is due in one business day

(e.g. a phone call at 4 p.m. on Monday is due at 4 p.m. on Tuesday), that item should be

expressed as being due in 8 working hours.  Thus, there would be a delay from 5 p.m. on

Monday until 9 a.m. on Tuesday where the working hours would not be counted toward the

service time or remaining time in the commitment.  Examiner takes Official Notice that it was

well-known in the art at the time the invention was made to use delays to push items in a queue

back in time.  An example of this is a "dummy" task that is inserted into a workflow.  It would

have been obvious to one of ordinary skill in the art at the time the invention was made to use a

delay to push Burok's tasks back in time to account for Burok's non-business time.  One of

ordinary skill in the art would have been motivated to do so for the benefit of a more accurate

prediction of when a task will be completed.

As documentary support to the Official Notice, Examiner has provided a copy of the

"User's Guide for Microsoft Project" for Windows 95 and Windows 3.1. The user's guide

discloses allocating a list of tasks with associated durations to specified resources, wherein a

time delay can be placed within the task list to ignore non-business time (see page 7, disclosing

creating a task list with durations for the tasks; page 10, disclosing assigning a task to a resource,

as well as ignoring Saturday and Sunday as non-business time when scheduling; page 18,

disclosing project calendars defining working days and hours; pages 24-25, disclosing inserting a

delay or "lag time" between tasks; page 31, disclosing assigning resources to tasks; pages 38-40,

disclosing resource calendars).


Claim 2: Burok discloses wherein said placing step comprises:

- accessing a calendar associated with at least one queue, said calendar including

  entries corresponding to business time and non-business time (see ¶ 57, disclosing

  a schedule based on the operating hours of a business);

- determining when a non-business time period begins (see id., disclosing a

  business that operates between the hours of 8 am and 5 pm; thus, the non-business

  time period begins at 5 pm).

Burok does not explicitly disclose placing a duration of said non-business time period in

a selected position in said at least one queue to indicate when said non-business time begins.

However, a similar limitation was rejected in claim 1. See the rejection of claim 1, above, for the

accompanying rationale.

Claim 6: Burok discloses wherein said at least one queue includes a plurality of queues of work items (see ¶ 53, disclosing a third workflows made up of a first and second workflow), each of said plurality of queues having an associated calendar indicating business time and non-business time periods (see ¶ 57).

Claim 7: Burok discloses wherein said predetermined algorithms perform resource allocation independently of the calendar associated with the queues (see ¶ 47).

Claim 8: Burok discloses displaying, at a user interface, a resource status associated with a first queue of said plurality of queues (see figure 8, "Resources Available"). Burok does not explicitly disclose displaying a real time clock. However, Examiner takes Official Notice that it was well-known in the art at the time the invention was made to display a real time clock on a user interface (e.g. Microsoft Windows start menu has a real time clock). It would have been obvious to one of ordinary skill in the art at the time the invention was made to display a real time clock and a resource status on the same display. This combination of known elements retains the functionality of the separate elements and produces a result that would be predictable to one of ordinary skill in the art.

Claim 9: Burok discloses:

- determining service times for work items in said first queue (see ¶¶ 20 and 46);

- selecting a calendar associated with said first queue (see ¶ 57, disclosing operating hours of a business associated with a queue);

- converting each of the service times into an equivalent real time index (see ¶¶ 20,
  46, and 57); and

- thereafter determining, for each of the real time indices, a corresponding business
  time interval (see ¶ 57, disclosing that 4.5 days of real time is equivalent to 40.5
  working hours).

**Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Burok in view of Applicant's admitted prior art.**

Claims 3-4:  Burok does not explicitly disclose wherein said selected position is at the

head or tail of said at least one queue.  Examiner takes Official Notice that it was well-known in

the art at the time the invention was made to use delays whenever they will actually occur.  For

example, claim 2 recites that the non-business time is placed in a position in the queue that

indicates when the non-business time begins.  Therefore, if the non-business time were to occur

at the head of the queue, it would be placed at the head, and likewise for the tail.  Thus, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to insert

the delay wherever it actually occurs for the benefit of an accurate representation of when the

non-business time actually occurs.

Burok also does not explicitly disclose wherein said at least one queue is a delta queue.

Applicant admits that delta queues are known in the art. (see originally-filed Specification: page

12: line 11).  It would have been obvious to one of ordinary skill in the art at the time the

invention was made to express the commitment times of Burok in a delta queue.  One of ordinary

skill in the art would have been motivated to do so for the benefit of efficiencies gained by using

delta queues.

Furthermore, Examiner takes Official Notice of the use of pointers, timeouts, queue

values, and time differences in delta queues (e.g. see attached references Gupta: figures 9-10, and

Rayner: figures 4-5). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to include these features in a delta queue (in fact, some of the limitations

merely describe what a delta queue is). This combination of known elements retains the

functionality of the separate elements and produces a result that would be predictable to one of

ordinary skill in the art.

Examiner notes that Applicant has failed to traverse Examiner's Official Notice, which

was originally set forth in the previous Office action. Therefore, Examiner's findings of Official

Notice are taken to be admitted prior art. See MPEP § 2144.03 (C).


**Claims 12-14, 17-20, 31, and 32 are rejected under 35 U.S.C. 103(a) as being**

**unpatentable over Burok in view of Nourbakhsh (US 7,478,051).**

Claim 12: Burok discloses a resource allocation system, comprising:

- a plurality of human agents (see ¶ 22, disclosing agents; ¶¶ 47, 55, and 60);

- a plurality of queues for holding work items to be serviced by the plurality of
  human agents (see ¶ 53, disclosing multiple workflows);

- a scheduler operable, by a computer, to receive the work items, determine at least
  one of a service time and time remaining in queue for said work items (see ¶¶ 46,
  51, and 57), place said work items into a selected queue of the plurality of queues

(see ¶ 53), and allocate human agents to service work items in the plurality of

queues according to predetermined agent allocation algorithms (see ¶ 20,

disclosing assigned orders and commitments; ¶¶ 5 and 15, disclosing goals; ¶¶ 62,

73, 88, 97-98, and 110-111);

- a timer operable to track that at least one of a service time and time remaining in

  queue in said plurality of queues (see ¶ 59, disclosing a timer);

- wherein said scheduler is operable, by the computer, to monitor each of said

  calendars and, upon the start of a non-business time for a selected calendar, place

  a time delay corresponding to the length of said non-business time in to the queue

  associated with the selected calendar, whereby the non-business-time period is

  ignored in determining the at least one of a service time and time remaining in

  queue for at least some of the work items in the queue associated with the selected

  calendar (see ¶ 57; see also the discussion on inherency and obviousness of this

  limitation in the § 102 and § 103 rejections of claim 1, above).

Burok further discloses calendars having entries corresponding to business time and non-

business time (see ¶ 57). Burok does not explicitly disclose a plurality of electronic calendars

corresponding to said plurality of queues, wherein each queue has an associated calendar.

Nourbakhsh discloses this limitation (see column 1: lines 44-46, disclosing different queues

based on content; column 6: lines 9-20, disclosing staffing hours on a per-queue basis; column 8:

lines 51-65; column 12: lines 24-33, disclosing staffing the various queues with employee

profiles; column 10: lines 1-15, explaining that employee profiles include availability, vacation,

breaks, training, absenteeism, jury duty, etc.; column 12: lines 34-40, disclosing a proposed

schedule for servicing a queue; column 13: lines 49-51). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to take the concept of calendars taught

by Burok and apply the calednars to multiple queues as taught by Nourbakhsh. One of ordinary

skill in the art would have been motivated to do so for the benefit of more accurate schedules for

each individual queue.

Claims 13-14: Claims 13-14 are substantially similar to claims 8-9 and are rejected under

similar rationale.

Claims 17-19: Claims 17-19 are substantially similar to claims 2-4 and are rejected under

similar rationale.

Claim 20: Claim 20 is substantially similar to claim 7 and is rejected under similar

rationale.

Claim 31: Burok discloses a computer readable medium comprising computer

executable instructions (see Burok: claim 26).

Claim 32: Burok does not explicitly disclose wherein the time delay stops a clock

associated with the at least on queue for the duration of the time delay. Examiner takes Official

Notice that it was well-known in the art at the time the invention was made to stop clocks for

time delays (e.g. in sports contests). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to stop a clock for an associated time delay in the queues

of Burok. One of ordinary skill in the art would have been motivated to do so for the benefit of

keeping accurate time.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Charnock (US 2003/0182310), disclosing "warped time," which ignores non-

  business time in calculating service times (see paragraph 410)

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Neil R. Kardos whose telephone number is (571) 270-3443. The

examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

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